THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.23141 of 2006

Between:

Ramadugu Sagar and others.

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PETITIONERS

and

The Superintendent of Police,
Karimnagar and others.

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RESPONDENTS

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ORDER:

It is the case of the petitioners that the suit filed by them in O.S.No.202 of 2005 on the file of Senior Civil Judge, Karimnagar, seeking specific performance of the agreement of sale was decreed on 06-07-2006. During pendency of the said suit, when the 5th respondent started interfering with the peaceful possession and enjoyment of the property in question, the petitioners filed I.A.No.93 of 2006 in I.A.No.1447 of 2005 in O.S.No.202 of 2005 seeking a direction to the 4th respondent herein to implement the injunction order passed in I.A.No.1447 of 2005. Accordingly, the trial court, through its order, dated 01-02-2006, directed the 4th respondent to implement the order passed in I.A.No.1447 of 2005. Thereafter, the 1st petitioner entered into an agreement of sale for development and sale of the property in question with the 2nd petitioner. It is stated that in respect of the land in Sy.No.42, pursuant to the similar agreement of sale, a suit in O.S.No.40 of 2006 was filed on the file of I Additional District Judge, Karimnagar, seeking injunction against the 5th respondent, wherein a temporary injunction was granted in I.A.No.1093 of 2006. In order to implement the same, a representation was filed before the concerned police seeking necessary protection, but the police are not giving sufficient protection and on the other hand, the 5th respondent with the support of official respondents 2 to 4, removed the boundary poles fixed by the petitioners.

On instructions, the learned Government Pleader appearing for Home, submits that the 3rd petitioner as well as the 5th respondent filed complaints on 07-08-2006 and 21-08-2006 respectively with regard to the alleged interference of the property by each other. It is further stated that the injunction order obtained by the 3rd petitioner with regard to the land to an extent of Ac.1-23 gts. in Sy.No.92, is the subject matter of the suit in

O.S.No.202 of 2005 on the file of Senior Civil Judge, Karimnagar and in that connection, the 4th respondent warned the 5th respondent not to interfere with the land of the 3rd petitioner and advised him to settle the civil disputes in a competent civil court. It is stated that there is an injunction order in favour of the 5th petitioner in Sy.No.42 to an extent of Ac.3-00 gts. and, therefore, he is advised to approach the competent civil court.

I am of the opinion that when there is no conflict between petitioners 1 to 5 and when the 5th respondent has not obtained any conflicting order, it is for the 4th respondent to honor the civil court orders. Therefore, there is no justification on the part of the 4th respondent in not honoring the civil court orders.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 4th respondent not to interfere with the civil disputes of the petitioners in respect of the land in question. There shall be no order as to costs.

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26-06-2007

Prv